

APPENDIX M

SAMPLE LETTER: OWNER DUTY TO MARK/REMOVE

Dear sir:

This office has received a report of an obstruction to navigation in ____[waterway]____ and my preliminary investigation indicates that you are the (owner/operator/lessee) of the vessel.

The Corps of Engineers and the Coast Guard have jointly determined that this obstruction presents a hazard to navigation requiring removal. Under federal law (Title 33, U.S. Code Section 409), the owner, operator or lessee is responsible for marking and immediate removal of the wreck. You should contact the Coast Guard directly for marking requirements, and contact my office within 7 days concerning your intentions and plans to effect removal.

Failure to commence immediate removal of the vessel and to pursue removal diligently may result in a court judgment against you, or a determination of abandonment, subjecting the vessel to removal and disposal by the Corps of Engineers at your expense.

Additionally, you may be liable for criminal charges and/or actions against any Coast Guard licenses you may carry, as a result of the sinking of this vessel.

It is imperative that you contact my office immediately on this matter.

/s/